

AMENDED IN ASSEMBLY APRIL 21, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1914

Introduced by Assembly Member Chesbro

February 19, 2014

An act to add Section 1394.5 to the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 1914, as amended, Chesbro. Water resources: permits: terms and conditions: *Trinity River*.

Under existing law, the State Water Resources Control Board is required to issue a water permit upon approval of an application if certain facts exist subject to specified terms and conditions. Existing law authorizes the board to reserve jurisdiction, in whole or in part, to amend, revise, supplement, or delete terms and conditions in a permit under specified circumstances.

This bill would require the board, when approving an application for a water permit or an application for renewal or amendment of a water permit that affects ~~the Lower Klamath River or the Trinity River, excluding tributaries~~, to conform the use of that permit to the minimum instream flows established by the United States Department of the Interior's Record of Decision, Trinity River Mainstem Fishery Restoration, Final Environmental Impact Statement/Environmental Impact Report, adopted December 19, 2000, and to adopt specified requirements.

The bill would require the board to reserve jurisdiction over any permit affecting ~~the Lower Klamath River or the Trinity River, excluding tributaries~~, and to apply the terms and conditions adopted pursuant to the above-specified provisions to any existing permit affecting ~~the~~

~~Lower Klamath River~~ or the Trinity River, *excluding tributaries*, including, but not limited to, a permit issued for unappropriated water, for water under an existing right, for an amount of water over that which is available under an existing right to meet the beneficial use requirements of a project, or for an amount of water reasonably necessary for any other identified beneficial use.

The bill would provide that these provisions do not diminish, impair, or otherwise affect in any manner whatsoever any area of origin, watershed of origin, county of origin, or any other water rights protections, including, but not limited to, rights to water appropriated prior to December 19, 1914, provided under the law, or limit or otherwise affect the application of other specified provisions of law.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1394.5 is added to the Water Code, to
2 read:

3 1394.5. (a) When approving an application for a water permit
4 or an application for renewal or amendment of a water permit that
5 affects ~~the Lower Klamath River~~ or the Trinity River, *excluding*
6 *tributaries*, the board shall conform the use of that permit to the
7 minimum instream flows established by the United States
8 Department of the Interior's Record of Decision, Trinity River
9 Mainstem Fishery Restoration, Final Environmental Impact
10 Statement/Environmental Impact Report, adopted December 19,
11 2000, and do ~~all~~ *both* of the following:

12 ~~(1) Designate the Lower Klamath River, from the confluence~~
13 ~~of the Trinity River downstream to the Pacific Ocean, and the~~
14 ~~Trinity River, from Trinity Dam to the confluence of the Klamath~~
15 ~~River, as an authorized place of use.~~

16 ~~(2)~~

17 (1) Adopt the Trinity River temperature water quality objectives
18 contained in the Water Quality Control Plan for the North Coast
19 Region as standard permit terms and conditions.

20 ~~(3)~~

21 (2) Adopt minimum cold water carryover storage operational
22 criteria to ensure compliance with the Water Quality Control Plan

1 for the North Coast Region temperature objectives for the Trinity
2 River.

3 (b) The board shall reserve jurisdiction over any permit affecting
4 ~~the Lower Klamath River or~~ the Trinity River, *excluding*
5 *tributaries*, and apply the terms and conditions adopted pursuant
6 to subdivision (a) to any existing permit affecting ~~the Lower~~
7 ~~Klamath River or~~ the Trinity River, *excluding tributaries*,
8 including, but not limited to, a permit issued for unappropriated
9 water, for water under an existing right, for an amount of water
10 over that which is available under an existing right to meet the
11 beneficial use requirements of a project, or for an amount of water
12 reasonably necessary for any other identified beneficial use.

13 (c) *This section does not diminish, impair, or otherwise affect*
14 *in any manner whatsoever any area of origin, watershed of origin,*
15 *county of origin, or any other water rights protections, including,*
16 *but not limited to, rights to water appropriated prior to December*
17 *19, 1914, provided under the law. This section does not limit or*
18 *otherwise affect the application of Article 1.7 (commencing with*
19 *Section 1215) of Chapter 1 of Part 2 of Division 2, Sections 10505,*
20 *10505.5, 11128, 11460, 11461, 11462, and 11463, and Sections*
21 *12200 to 12220, inclusive.*